



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2158

DATE SCANNED

1/10/14

SCANNER NO.

2

SCAN OPERATOR

ΣΣ5

14092693998



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 SEP 13 PM 4:49

September 13, 2013

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin DeCarminhe/Sari Pickerall *KD*
Compliance Branch *SP*

SUBJECT: Reason To Believe Recommendation – 2013 July Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2013 July Quarterly Report in accordance with 2 U.S.C. 434(a). The 2013 July Quarterly Report was due on July 15, 2013.

The committees listed in the attached RTB Circulation Report either failed to file the report, or filed the report more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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9/13/2013 1:55 PM

Federal Election Commission
Reason to Believe Circulation Report
2013 JULY QUARTERLY Not Election Sensitive 07/15/2013 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2758	C00432955	PAUL BROWN COMMITTEE	BROWN, PAUL COLLINS	PAUL KILGORE	\$948,581	0	7/22/2013	7	\$591,454	\$4,700

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Reason To Believe Recommendation - 2013)
July Quarterly Report for the)
Administrative Fine Program:)

PAUL BROWN COMMITTEE, and) AF# 2758
KILGORE, PAUL as treasurer;)

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on September 17, 2013 the Commission took the following actions on the Reason To Believe Recommendation - 2013 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated September 13, 2013, on the following committees:

AF#2758 Decided by a vote of 5-0 to: (1) find reason to believe that PAUL BROWN COMMITTEE, and KILGORE, PAUL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on

14092694002

the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 18, 2013
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 18, 2013

Paul Kilgore, in official capacity as Treasurer
Paul Broun Committee
P.O. Box 6337
Athens, GA 30604

C00432955
AF#: 2758

Dear Mr. Kilgore:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period April 1, 2013 through June 30, 2013, shall be filed no later than July 15, 2013. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on July 22, 2013, seven (7) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 17, 2013, the FEC found that there is reason to believe ("RTB") that Paul Broun Committee and you, in your official capacity as treasurer, violated 2 U.S.C. 434(a) by failing to file timely this report on or before July 15, 2013. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,700. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$4,700 is due within forty (40) days of the finding, or by October 27, 2013, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$591,454
Number of Days Late: 7
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

14092694004

Commission's RTB finding, or October 27, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Paul Brown Committee and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

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If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

If you make a payment in an amount less than the calculated civil money penalty as an offer to settle or compromise a debt owed to the Commission, the offer is herewith rejected despite any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 6, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

14092694006

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,700 for the 2013 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 27, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Paul Broun Committee

FEC ID#: C00432955

AF#: 2758

PAYMENT DUE DATE: October 27, 2013

PAYMENT AMOUNT DUE: \$4,700

14092694007

PATTON BOGGS LLP

RECEIVED

2013 OCT 17 PM 4:01
FEC MAIL CENTER

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

October 17, 2013

William J. McGinley
202-457-6561
wmcginley@pattonboggs.com

VIA HAND DELIVERY

Office of Administrative Review
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Paul Broun Committee
C00432955
AF#2758

To Whom It May Concern:

Please find attached the response of our client, the Paul Broun Committee, to the notification in the above-referenced matter. Also attached is an executed Statement of Designation of Counsel.

Please do not hesitate to contact us with any questions.

Respectfully submitted,


William J. McGinley

Attachments

RECEIVED
FEDERAL ELECTION
COMMISSION
2013 OCT 18 AM 9:17
OFFICE OF GENERAL
COUNSEL

14092694008

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of)
)
Paul Broun Committee) **AF #2758**
) **C00432955**
and Paul Kilgore, as Treasurer)

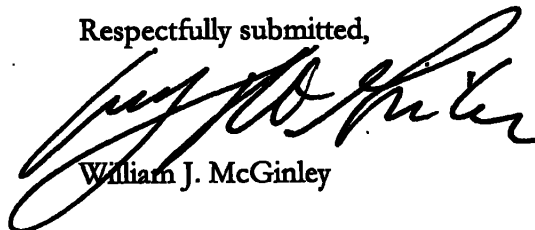
**RESPONSE OF THE PAUL BROUN COMMITTEE
TO THE REASON TO BELIEVE NOTIFICATION IN AF #2758**

14092694009

The responds on behalf of our client to the reason to believe ("RTB") notification from the Federal Election Commission ("Commission") that The Paul Broun Committee ("PBC") filed its 2013 July Quarterly Report seven days late in the above referenced matter. The notification indicates that the proposed civil penalty at the RTB stage is \$4,700. PBC hereby challenges the proposed civil penalty because there are factual errors in the RTB finding. 11 C.F.R. § 111.35(b)(1). Specifically, the PBC 2013 July Quarterly Report was deposited as certified mail to an established U.S. Post Office by the filing deadline, July 15, 2013. 11 C.F.R. § 100.19(b)(i)(A); *see* Decl. Ex. A. However, due to an error made by the Post Office, the PBC report envelope was not post marked until July 22, 2013. Attached to this response is a declaration from Michael Goode, the individual who delivered the PBC 2013 July Quarterly Report to the Post Office on July 15, 2013, along with the certified mail receipt evidencing the July 15, 2013 deposit of the envelope containing the PBC report. *See* FEC Congressional Candidates and Committees Guide 82 (2011) ("The committee should retain evidence that it delivered the report to the U.S. Postal Service or the overnight delivery

service, in the event of a delivery failure.”). Accordingly, we respectfully request that the Commission eliminate the civil penalty in its entirety, take no further action, and close the file.

Respectfully submitted,



William J. McGinley

PATTON BOGGS LLP
2550 M Street, NW
Washington, DC 20037
P: (202) 457-6000
F: (202) 457-6315

October 11, 2013

Attachment: A: Statement of Designation of Counsel

14092694010



FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

Statement of Designation of Counsel

Paul Broun Committee, and Paul Kilgore, as Treasurer – AF# 2758

Name of Counsel: William J. McGinley
Ann M. Donaldson

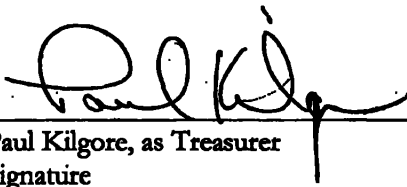
Firm: Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037

Telephone: (202) 457-6561

Fax: (202) 457-6315

The above named individuals are hereby designated as counsel and are authorized to receive any notifications and other communications from the Commission and to act on behalf of Paul Broun Committee, and Paul Kilgore, as Treasurer, before the Commission.

10-11-13
Date


Paul Kilgore, as Treasurer
Signature

Name (Print): Paul Broun Committee
And Paul Kilgore, as Treasurer

Address: PO Box 6337
Athens, GA 30604

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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EXHIBIT A

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

WASHINGTON DC 20013

OFFICIAL USE

Postage	\$	\$6.85	50	\$0.84
Certified Fee		\$3.10	18	
Return Receipt Fee (Endorsement Required)		\$2.55		
Restricted Delivery Fee (Endorsement Required)		\$0.00		
Total Postage & Fees	\$	\$12.50		

Sent To 2013 Brown Q2 WASHINGTON DC 20013

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

WATKINSVILLE MAIN PO
 WATKINSVILLE, Georgia
 306779998

1204440484 -0099

07/15/2013 (706)769-6980 01:52:54 PM

Product Description	Sale Qty	Unit Price	Final Price
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00 WASHINGTON DC 20013 \$6.85
 Zone-4 Priority Mail
 1 lb. 12.10 oz.

Expected Delivery: Wed 07/17/13
 Return Rcpt (Green Card) \$2.55
 00 Certified \$3.10
 Label #: 70112008000120309235

Issue PVI: BROWN \$12.50

WASHINGTON DC 20013 \$1.52

Zone-4 First-Class
 Large Env
 3.80 oz.
 Expected Delivery: Thu 07/18/13
 00 Certified \$3.10
 Label #: 70112000000120309242

Issue PVI: ALLEN \$4.82

WASHINGTON DC 20013 \$1.72

Zone-4 First-Class
 Large Env
 4.10 oz.
 Expected Delivery: Thu 07/18/13
 00 Certified \$3.10
 Label #: 70112000000120309266

Issue PVI: MCCAUSTON \$4.82

00 WASHINGTON DC 20013 \$5.85

Zone-4 Priority Mail
 15.80 oz.
 Expected Delivery: Wed 07/17/13
 00 Certified \$3.10
 Label #: 70112000000120309273

Issue PVI: KIRK \$8.95

WASHINGTON DC 20013 \$2.62

Zone-4 First-Class
 Large Env

14092694013

7011 2000 0001 2030 9235



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

October 25, 2013

Mr. William McGinley
Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037

C00432955
AF#: 2758

Dear Mr. McGinley

On October 17, 2013, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") for Paul Broun Committee and Paul Kilgore, in official capacity as Treasurer, which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script that reads "Rhiannon Magruder".

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

14092694014

Date: October 25, 2013

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2758

Committee Name: Paul Broun Committee

Committee ID#: C00432955

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

- **Copy of RTB Circulation Report, dated September 13, 2013 and RTB Certification, dated September 18, 2013 (Y/N): Y**
- **Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**
- **Other Relevant Telecoms (Y/N): N**
- **Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**
- **RAD Staff Declaration (Y/N): Y**
 - 2013 July Quarterly Report Notice, dated June 21, 2013.**
 - RTB Letter, dated September 18, 2013.**
- **Other RAD Information: (Y/N): N**

14092694015




Date: September 25, 2013

Sari Pickerall:

The following is in response to your September 25, 2013 request for delivery information on your Priority Mail Express® item number EQ826644662US. The delivery record shows that this item was delivered on September 25, 2013 at 1:14 pm in ATHENS, GA 30606 to P BROWN. The scanned image of the recipient information is provided below.

Signature of Recipient :
(Authorized Agent)


S Calvin

Address of Recipient :

P.O. Box 6337
Athens GA
30604

Thank you for selecting the Postal Service for your mailing needs.


If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service

14092694016

DECLARATION OF KRISTIN DECARMINE

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Paul Broun Committee:
 - A) Report Notice, dated June 21, 2013, referencing the 2013 July Quarterly Report (sent via electronic mail to: paul@pdscompliance.com);
 - B) Reason-to-Believe Letter, dated September 18, 2013 referencing the 2013 July Quarterly Report.
3. I hereby certify that I have searched the Commission's public records and find that Paul Broun Committee filed the 2013 July Quarterly Report with the Commission on July 22, 2013.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 25th day of October, 2013.


Kristin DeCarmin
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

14092694017



JULY QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

June 21, 2013

CURRENT REPORT DUE

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
July Quarterly	06/30/13	07/15/13	07/15/13

REPORTING SCHEDULE FOR REMAINDER OF 2013

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
October Quarterly	09/30/13	10/15/13	10/15/13
Year-End	12/31/13	01/31/14	01/31/14

[Click here for Supplemental Filing Information](#)

¹These dates indicate the beginning and the end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

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2013 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of current and former congressional candidates¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2013.² See 11 CFR 104.5(a). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CER 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 83-86 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 82 [PDF]

2013 REPORTING SCHEDULE

- Web Page: 2013 Reporting Dates Page
- The Record:
 - FEC Record Blog: Reporting
 - January 2013 Reporting Article [PDF]
- Candidate Guide, p. 83 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time.

See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7-9 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³ See generally, 11 CFR Part 111 Subpart B. See 11 CFR 111.43(b). See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$17,100 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22(b) and 11 CFR 110.17(e)(2).

- The Record: March 2009 issue [PDF]
- Candidate Guide, Appendix F, pp. 155-161 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC (rather than the Secretary of the Senate) may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions received that are not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations. See 11 CFR 111.44.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 NOV -1 AM 11:29

November 1, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2758 – Paul Broun
Committee and Paul Kilgore. in his official capacity as Treasurer
(C00432955)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

14092594021



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 1, 2013

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2758 – Paul Broun Committee and Paul Kilgore, in his official capacity as Treasurer (C00432955)

Summary of Recommendation

Take no further action that the respondents violated 2 U.S.C. § 434(a) and close the file.

Reason-to-Believe Background

The 2013 July Quarterly Report was due on July 15, 2013. The respondents filed the report on July 22, 2013, 7 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On September 17, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2013 July Quarterly Report and made a preliminary determination that the civil money penalty was \$4,700 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on September 18, 2013 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). All reports required to be filed by the principal campaign committee of a candidate for the office of U.S. Senator shall be filed with the Secretary of the Senate. 2 U.S.C. § 432(g) and 11 C.F.R. § 105.2. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19 and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On October 17, 2013, the Commission received the written response ("challenge") from the respondents' Counsel, Mr. William J. McGinley. Mr. McGinley states that the 2013 July Quarterly Report was mailed via United States Postal Service (USPS) Certified Mail on July 15, 2013. "However, due to an error made by the Post Office, the ...report envelope was not post marked until July 22, 2013."

14092694023

The response includes a declaration from Mr. Michael Goode, the individual who delivered the report to the Post Office. In summary, Mr. Goode states that he delivered multiple FEC reports to the Post Office on July 15, 2013, one of which was the respondents' 2013 July Quarterly Report. Later that day, Mr. Goode requested that the Post Office hold another committee's report and requested recall service for this package. He provided the tracking number to identify the specific package to be recalled. A few days later, the recalled package was delivered to his office. Mr. Goode noticed that the tracking number of the recalled package did not match that of the recall request. Mistakenly, the Post Office recalled the respondents' 2013 July Quarterly Report. Mr. Goode informed the Post Office of their mistake, and they mailed the respondents' 2013 July Quarterly Report via Priority Mail.

The response also includes a copy of the Certified Mail receipt evidencing the respondents' 2013 July Quarterly Report was originally mailed via Certified Mail on July 15, 2013. The purchase receipt indicates that a total of four packages were mailed to Washington, D.C. at the same time.

Analysis

The respondents contend their 2013 July Quarterly Report was one of four packages mailed via USPS Certified Mail to Washington, D.C. 20013 on July 15, 2013. While the full mailing address is not included on the receipt copies provided with the challenge, the zip code does coincide with the mailing address of the Secretary of Senate's Office of Public Records (OPR). Therefore, one can reasonably conclude that the packages did include FEC reports addressed to OPR.

The respondents further contend that USPS mistakenly recalled the respondents' report after Mr. Goode requested recall service on another package sent that day. USPS online tracking records confirm that the package identified as containing the respondents' report was returned to the sender on July 17, 2013. Moreover, the OPR scanned copy of the envelope containing the 2013 July Quarterly Report that was filed on July 22, 2013 displays a postage rate of \$0.00. The fact that the respondents were not charged to mail this package confirms the Post Office made and acknowledged a mistake related to the recall.

Had the Post Office not mistakenly recalled the package containing the respondents' report, OPR would have received the original mailing. The Certified Mail postmark date of July 15, 2013 would have been considered the receipt date, and the report would be considered timely filed. 11 C.F.R. §§ 100.19 and 104.5(e). Therefore, the Reviewing Officer recommends that the Commission take no further action and close the file.

OAR Recommendations

- (1) Take no further action in AF# 2758 that Paul Brun Committee and Paul Kilgore, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 – USPS Tracking Records

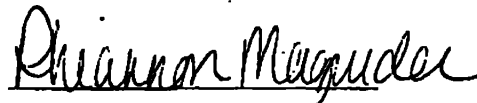
Attachment 2 – Declaration from RAD

Attachment 3 – Declaration from OAR

14092694024

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Acting Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) The principal campaign committee of a candidate must file a report for the quarter ending June 30 no later than July 15. If the report is sent by registered or certified mail, by Express or Priority Mail with delivery confirmation or by overnight delivery service with an online tracking system, and scheduled for next business day delivery, it must be postmarked, or deposited with the mailing service, no later than July 15 to be timely filed.
- 3) It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the administrative fine regulations, including due dates of reports and filing requirements.
- 4) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Report Cover Page, Summary Page, Detailed Summary Pages, and Envelope Replacement Page for the 2013 July Quarterly Report filed by Paul Broun Committee and Paul Kilgore, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from April 1 through June 30, 2013, and was received on July 22, 2013.
- 5) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 1st day of November, 2013.



Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review
Federal Election Commission

14092694025

14092694026

FEC
FORM 3

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

RECEIVED
PAGE 1 / 171
SECRETARY OF THE SEN. S
PUBLIC RECORDS

13 JUL 24 PM 3:21

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

Paul Broun Committee

ADDRESS (number and street) P.O. Box 6337
Check if different than previously reported. (ACC) Athens GA 30604

2. FEC IDENTIFICATION NUMBER ▼ CITY ▲ STATE ▲ ZIP CODE ▲
C C00432955 3. IS THIS REPORT X NEW (N) OR AMENDED (A) STATE ▼ DISTRICT
GA 00

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)
X July 15 Quarterly Report (Q2)
October 15 Quarterly Report (Q3)
January 31 Year-End Report (YE)
Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P) General (12G) Runoff (12R)
Convention (12C) Special (12S)
Election on M M D D Y Y Y Y In the State of

(c) 30-Day POST-Election Report for the:

General (30G) Runoff (30R) Special (30S)
Election on M M D D Y Y Y Y in the State of

5. Covering Period 04 01 2013 through 06 30 2013

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Paul Kilgore

Signature of Treasurer Paul Kilgore Date 07 15 2013

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office Use Only									
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FEC FORM 3
(Revised 02/2003)

13020362059

SUMMARY PAGE

of Receipts and Disbursements

Write or Type Committee Name

Paul Broun Committee

Report Covering the Period:

From:

04 01 2013

To:

06 30 2013

	COLUMN A This Period	COLUMN B Election Cycle-to-Date
6. Net Contributions (other than loans)		
(a) Total Contributions (other than loans) (from Line 11(e))....	387626.15	595863.47
(b) Total Contribution Refunds (from Line 20(d)).....	0.00	500.00
(c) Net Contributions (other than loans) (subtract Line 6(b) from Line 6(a)).....	387626.15	595363.47
7. Net Operating Expenditures		
(a) Total Operating Expenditures (from Line 17).....	201316.88	369322.59
(b) Total Offsets to Operating Expenditures (from Line 14).....	0.00	0.00
(c) Net Operating Expenditures (subtract Line 7(b) from Line 7(a)).....	201316.88	369322.59
8. Cash on Hand at Close of Reporting Period (from Line 27).....	400877.43	
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

PAGE 3 / 171

Write or Type Committee Name

Paul Broun Committee

Report Covering the Period:

From:

04 01 2013

To:

06 30 2013

I. RECEIPTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

11. CONTRIBUTIONS (other than loans) FROM:

(a) Individuals/Persons Other Than Political Committees

(i) Itemized (use Schedule A)

294860.00

417066.00

(ii) Unitemized

79834.67

134365.99

(iii) TOTAL of contributions from individuals ▶

374694.67

551431.99

(b) Political Party Committees

100.00

100.00

(c) Other Political Committees (such as PACs)

12831.48

44331.48

(d) The Candidate

0.00

0.00

(e) TOTAL CONTRIBUTIONS

(other than loans)

(add Lines 11(a)(iii), (b), (c), and (d))..

387626.15

595863.47

12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES

0.00

738.00

13. LOANS:

(a) Made or Guaranteed by the Candidate

0.00

0.00

(b) All Other Loans

0.00

0.00

(c) TOTAL LOANS

(add Lines 13(a) and (b))

0.00

0.00

14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Rebates, etc.)

0.00

0.00

15. OTHER RECEIPTS

(Dividends, Interest, etc.)

12.43

1108.82

16. TOTAL RECEIPTS (add Lines

11(e), 12, 13(c), 14, and 15)

(Carry Total to Line 24, page 4)

387638.58

597708.29

14092694028

13020362061

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

PAGE 4 / 171

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....	201316.88	369322.59
18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES	0.00	0.00
19. LOAN REPAYMENTS:		
(a) Of Loans Made or Guaranteed by the Candidate.....	0.00	0.00
(b) Of All Other Loans	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b)).....	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees	0.00	500.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c)).....	0.00	500.00
21. OTHER DISBURSEMENTS	2500.00	2500.00
22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ►	203816.88	372322.59

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD.....	217055.73
24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3).....	387638.58
25. SUBTOTAL (add Line 23 and Line 24).....	604694.31
26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22).....	203816.88
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25).....	400877.43



100-40926940385

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PAID
WATKINSVILLE, GA
30677
JUL 22, 13
AMOUNT

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1007

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SCREENED
BY THE SENATE
POST OFFICE

Please Rush To Addressee

EXTREMELY URGENT

Visit u



511414642613

5092342E26N3



Addressee Copy:

— 100 —

UNITED STATES POSTAL SERVICE
Post Office To Address

ORIGIN (POSTAL SERVICE USE ONLY)		Day of Delivery		Postage	
30677		<input checked="" type="checkbox"/> Insured Day <input type="checkbox"/> Registered Date of Delivery		\$ 3.15	
Date Accepted		Month 7 Day 23		Return Receipt Fee	
Mo. 7 Day 13		Scheduled Time at Delivery		\$	
Time Accepted		<input type="checkbox"/> Non <input type="checkbox"/> Military		Insurance Fee	
2:01 PM		<input type="checkbox"/> AM <input type="checkbox"/> PM		\$	
Flat Rate or Weight		<input type="checkbox"/> Ins Day <input type="checkbox"/> Int'l Alpha Country Code		Total Postage & Fees	
13.0		<input type="checkbox"/> Ins Day <input type="checkbox"/> Int'l Alpha Country Code		\$ 36.95	
No. 130				Acceptance & Fee Indicia	
				7.00	

FROM: PLANE FROM: PHONE: 706-2516-8466

2470 DANCERS 220618 ED

SIR 121

Higgins, CA 30606

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Visit www.usps.com

Call 1-800-222-1811

DELIVERY (POSTAL USE ONLY)		Time		<input checked="" type="checkbox"/> AM	<input type="checkbox"/> PM	Employee Signature
Delivery Attempt	Ms. 7-23	Time	1:50	<input type="checkbox"/> AM	<input type="checkbox"/> PM	<i>[Signature]</i>
Delivery Attempt	Ms. Day	Time		<input type="checkbox"/> AM	<input type="checkbox"/> PM	Employee Signature
Delivery Attempt	Ms. Day	Time		<input type="checkbox"/> AM	<input type="checkbox"/> PM	Employee Signature
Delivery Attempt	Ms. Day	Time	9:45	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> PM	<i>[Signature]</i>
Delivery Attempt	Ms. Day	Time	13:24	<input checked="" type="checkbox"/> AM	<input type="checkbox"/> PM	<i>[Signature]</i>

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OFFICE OF PUBLIC AFFAIRS
PO BOX 775178
WASHINGTON, DC 20013-7518

ZIP + 4: 20013-7518

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.



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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

November 1, 2013

Mr. William McGinley
Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037

C00432955
AF#: 2758

Dear Mr. McGinley

On September 17, 2013, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Paul Broun Committee and Paul Kilgore, in his official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2013 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$4,700 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission take no further action in this matter. A copy of the Reviewing Officer Recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written responses or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in these matters.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions

Sincerely,

A handwritten signature in black ink that reads "Rhiannon Magruder". The signature is written in a cursive, flowing style.

Rhiannon Magruder
Acting Reviewing Officer
Office of Administrative Review

14092694031

PATTON BOGGS LLP

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2550 M Street, NW
Washington, DC 20037
202-457-6000

Facsimile 202-457-6315
www.pattonboggs.com

2013 NOV -8 P 3: 03

November 8, 2013

William J. McGinley
202-457-6561
wmcginley@pattonboggs.com

VIA FACSIMILE (202) 208-3333

Ms. Shawn Woodhead Werth
Clerk & Secretary
Federal Election Commission
999 E Street, NW
Washington, DC 20463

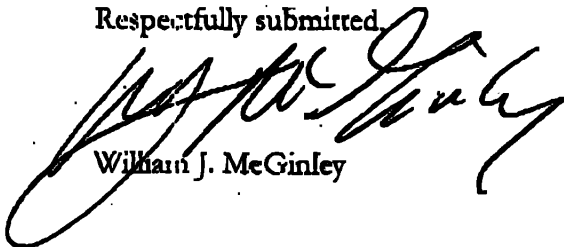
Re: The Paul Brown Committee and Paul Kilgore, as Treasurer
C00432955
AF#: 2758

Dear Ms. Werth:

This responds to the November 1, 2013 notification from the Federal Election Commission that the reviewing officer has made a recommendation in the above-captioned matter. We have reviewed the recommendation and agree that the Commission should take no further action and close the file.

Please do not hesitate to contact us with any questions.

Respectfully submitted,



William J. McGinley

14092694032



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2013 NOV 13 PM 3: 28

November 13, 2013

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrick *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Acting Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2758 – Paul Broun Committee and Paul Kilgore, in his official capacity as Treasurer (C00432955)

On September 17, 2013, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2013 July Quarterly Report and made a preliminary determination that the civil money penalty was \$4,700, based on the schedule of penalties at 11 C.F.R. § 111.43.

On October 17, 2013, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated November 1, 2013 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. Had the Post Office not mistakenly recalled the package containing the respondents' report, the Secretary of Senate's Office of Public Records would have received the report and considered it timely filed. Therefore, the Reviewing Officer recommended that the Commission take no further action and close the file.

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On November 8, 2013, the Commission received their written response stating they agree with the ROR.

14092694033

OAR Recommendations

- (1) Take no further action in AF# 2758 that Paul Broun Committee and Paul Kilgore, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file; and
- (2) Send the appropriate letter.

Acting Reviewing Officer: Rhiannon Magruder

Attachment: Response to ROR

14092694034

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation in) AF 2758
AF# 2758 - Paul Broun Committee and)
Paul Kilgore, in his official capacity as)
Treasurer (C00432955))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on December 02, 2013, the Commission
decided by a vote of 6-0 to take the following actions in AF 2758:

1. Take no further action in AF# 2758 that Paul Broun Committee and Paul Kilgore, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and close the file.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub
voted affirmatively for the decision.

Attest:

December 2, 2013
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

14092694035



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 6, 2013

VIA OVERNIGHT DELIVERY

Mr. William McGinley
Patton Boggs, LLP
2550 M Street, NW
Washington, DC 20037

C00432955
AF#: 2758

Dear Mr. McGinley:

On September 17, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Paul Broun Committee and Paul Kilgore, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2013 July Quarterly Report. By letter dated September 18, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$4,700 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On October 17, 2013, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission take no further action because the Secretary of Senate's Office of Public Records would have received the report and considered it timely filed had the Post Office not mistakenly recalled the package containing the respondents' report. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on November 1, 2013.

On December 2, 2013, the Commission adopted the Reviewing Officer's recommendation to take no further action with respect to 2 U.S.C. § 434(a) and close the file. A copy of the final determination recommendation is attached.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

14092694036

If you have any questions regarding this matter, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

A handwritten signature in black ink that reads "Ellen L. Weintraub". The signature is written in a cursive, flowing style.

Ellen L. Weintraub
Chair

Attachment

14092694037



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2758

DATE SCANNED 1/10/14

SCANNER NO. 2

SCAN OPERATOR SES

14092694038